

TANF program. The Tribe shall begin collecting financial data for the TANF Financial Report as of the initial effective date of its TANF program.

(b) Each Tribe must submit its TANF Data Report and TANF Financial Report within 45 days following the end of each quarter. If the 45th day falls on a weekend or on a national, State or Tribal holiday, the reports are due no later than the next business day.

§ 286.270 What happens if the Tribe does not satisfy the quarterly reporting requirements?

(a) If we determine that a Tribe has not submitted to us a complete and accurate Tribal TANF Data Report within the time limit, the Tribe risks the imposition of a penalty at § 286.205 related to the work participation rate targets since the data from the Tribal TANF Data Report is required to calculate participation rates.

(b) Non-reporting of the Tribal TANF Financial Report may give rise to a penalty under § 286.200 since this Report is used to demonstrate compliance with provisions of the Act, the provisions of 45 CFR part 92, OMB Circulars A-87 and A-133, or any Federal statutes and regulations applicable to the TANF program.

§ 286.275 What information must Tribes file annually?

(a) Each Tribal TANF grantee must file an annual report containing information on its TANF program for that year. The report may be filed as:

- (1) An addendum to the fourth quarter TANF Data Report; or
- (2) A separate annual report.

(b) Each Tribal TANF grantee must provide the following information on its TANF program:

- (1) The Tribal TANF grantee's definition of each work activity;
- (2) A description of the transitional services provided to families no longer receiving assistance due to employment; and
- (3) A description of how a Tribe will reduce the amount of assistance payable to a family when an individual refuses to engage in work without good cause pursuant to § 286.145.
- (4) The average monthly number of payments for child care services made

by the Tribal TANF grantee through the use of disregards, by the following types of child care providers:

- (i) Licensed/regulated in-home child care;
- (ii) Licensed/regulated family child care;
- (iii) Licensed/regulated group home child care;
- (iv) Licensed/regulated center-based child care;

(v) Legally operating (*i.e.*, no license category available in Tribal TANF grantee's locality) in-home child care provided by a nonrelative;

(vi) Legally operating (*i.e.*, no license category available in Tribal TANF grantee's locality) in-home child care provided by a relative;

(vii) Legally operating (*i.e.*, no license category available in Tribal TANF grantee's locality) family child care provided by a nonrelative;

(viii) Legally operating (*i.e.*, no license category available in Tribal TANF grantee's locality) family child care provided by a relative;

(ix) Legally operating (*i.e.*, no license category available in Tribal TANF grantee's locality) group child care provided by a nonrelative;

(x) Legally operating (*i.e.*, no license category available in Tribal TANF grantee's locality) group child care provided by a relative; and

(xi) Legally operating (*i.e.*, no license category available in Tribal TANF grantee's locality) center-based child care.

(5) A description of any nonrecurring, short-term benefits provided, including:

(i) The eligibility criteria associated with such benefits, including any restrictions on the amount, duration, or frequency of payments;

(ii) Any policies that limit such payments to families that are eligible for TANF assistance or that have the effect of delaying or suspending a family's eligibility for assistance; and

(iii) Any procedures or activities developed under the TANF program to ensure that individuals diverted from assistance receive information about, referrals to, or access to other program benefits (such as Medicaid and food stamps) that might help them make

§ 286.280

the transition from Welfare-to-Work; and

(6) A description of the procedures the Tribal TANF grantee has established and is maintaining to resolve displacement complaints, pursuant to § 286.110. This description must include the name of the Tribal TANF grantee agency with the lead responsibility for administering this provision and explanations of how the Tribal TANF grantee has notified the public about these procedures and how an individual can register a complaint.

(7) Tribes electing the FVO must submit a description of the strategies and procedures in place to ensure that victims of domestic violence receive appropriate alternative services, as well as an aggregate figure for the total number of good cause domestic waivers granted.

(c) If the Tribal TANF grantee has submitted the information required in paragraph (b) of this section in the TFAP, it may meet the annual reporting requirements by reference in lieu of re-submission. Also, if the information in the annual report has not changed since the previous annual report, the Tribal TANF grantee may reference this information in lieu of re-submission.

(d) If a Tribal TANF grantee makes a substantive change in certain data elements in paragraph (b) of this section, it must file a copy of the change either with the next quarterly data report or as an amendment to its TFAP. The Tribal TANF grantee must also indicate the effective date of the change. This requirement is applicable to paragraphs (b)(1), (b)(2), and (b)(3) of this section.

§ 286.280 When are annual reports due?

(a) The annual report required by § 286.275 is due 90 days after the end of the Fiscal Year which it covers.

(b) The first annual report for a Tribe must include all months of operation since the plan was approved.

§ 286.285 How do the data collection and reporting requirements affect Public Law 102-477 Tribes?

(a) A Tribe that consolidates its Tribal TANF program into a Public-Law

45 CFR Ch. II (10-1-10 Edition)

102-477 plan is required to comply with the TANF data collection and reporting requirements of this section.

(b) A Tribe that consolidates its Tribal TANF program into a Public-Law 102-477 plan may submit the Tribal TANF Data Reports and the Tribal TANF Financial Report to the BIA, with a copy to us.

PART 287—THE NATIVE EMPLOYMENT WORKS (NEW) PROGRAM

Subpart A—General NEW Provisions

Sec.

287.1 What does this part cover?

287.5 What is the purpose and scope of the NEW Program?

287.10 What definitions apply to this part?

Subpart B—Eligible Tribes

287.15 Which Tribes are eligible to apply for NEW Program grants?

287.20 May a Public Law 102-477 Tribe operate a NEW Program?

287.25 May Tribes form a consortium to operate a NEW Program?

287.30 If an eligible consortium breaks up, what happens to the NEW Program grant?

Subpart C—NEW Program Funding

287.35 What grant amounts are available under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) for the NEW Program?

287.40 Are there any matching funds requirements with the NEW Program?

287.45 How can NEW Program funds be used?

287.50 What are the funding periods for NEW Program grants?

287.55 What time frames and guidelines apply regarding the obligation and liquidation periods for NEW Program funds?

287.60 Are there additional financial reporting and auditing requirements?

287.65 What OMB circulars apply to the NEW Program?

Subpart D—Plan Requirements

287.70 What are the plan requirements for the NEW Program?

287.75 When does the plan become effective?

287.80 What is the process for plan review and approval?

287.85 How is a NEW plan amended?

287.90 Are Tribes required to complete any certifications?

287.95 May a Tribe operate both a NEW Program and a Tribal TANF program?